

# YOUTH SERVICES POLICY

<b>Title:</b> Records Management and Retention <b>Next Annual Review Date:</b> 12/19/2015	<b>Type:</b> A. Administrative <b>Sub Type:</b> 1. General <b>Number:</b> A.1.9
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<b>References:</b> Louisiana Administrative Code Title 4 Part XVII "Records Management Policies and Practices"; La. R.S. 44, et seq. and 30:2043; The Louisiana State Archives Electronic Mail (E-mail) Retention Policy; The Louisiana State Archives Records Management Handbook; ACA Standards 2-CO-1E-01 (Standards For Administration of Correctional Agencies); 4-JCF-4C-31 and 4-JCF-4C-32 (Performance-Based Standards for Juvenile Correctional Facilities); and 2-7070 (Juvenile Probation and Aftercare Services); YS Policies A.2.12 "Personnel Records", A.3.3 "Requests for Statistical Information; Collection of Fees for Reproduction of Public Records and Statistical Reports", A.5.6 "Internet and E-mail Usage", B.3.1 Composition / Location / Retention of Active and Inactive Secure Care Youth Records", D.5.1 "Composition / Location / Retention of Active & Inactive Youth Records – Community Based Services"; OJJ/CCS Policy Nos. C-26 "Confidentiality of Health Records" and C-27 "Health Records / Inactive Records"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 12/19/2014

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To provide a system of managing and preserving YS business records, which meets informational requirements and serves the rights and interest of government and its citizens, and youth records, by establishing standards and guidelines to ensure the state's official records are created and maintained efficiently, economically, and in a manner that guarantees public accessibility where required.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Regional Directors, Facility Directors, Regional Managers, the YS designated Records Management Officer (RMO), the Contracted Health Care Provider (CHP), and all YS employees.

## IV. DEFINITIONS:

**Approved Retention Schedule** – A retention schedule which has been approved by the State Archivist/designee.

***Custodian of an E-Mail*** - The original sender of an e-mail message within YS e-mail system, or the recipient of an e-mail message from outside YS.

***Destruction*** - To destroy by shredding, burning or other suitable means of obliteration.

***Digital Format*** – Digital data and/or images available electronically in digital formation.

***Digital Image*** – An electronic data file consisting of digital data, that when reconstructed either on a display screen or hard copy print appears as the original document.

***Disposal*** - Destruction in any manner approved by the environmental authority; or, transferal into the custody of the repository designated by the State Archivist as most appropriate for continued maintenance.

***Microform*** – A process for reproducing printed matter in a much reduced size.

***Microphotograph*** – A small photograph that is normally magnified for viewing.

***Public Records*** - All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, papers, and all copies, duplicates, scanned material, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data, digital images or information in a digital format, processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in Title 44 Ch.1 §1 or the Constitution of Louisiana.

***Public Records Custodian*** - The staff member designated by a Unit Head to serve as Public Records Custodian to perform the duties of records management as required by law.

***Public Records Management Program*** - A continuing program established for the purpose of the economical and efficient management of the records of Youth Services. This program provides for effective controls over the creation, maintenance and use of records, and facilitates the segregation and disposal of records. In addition, the program includes the establishment of record retention schedules and destruction of records.

**Records** – All documents, papers, letters, books, drawings, maps, plats, photographs, magnetic or optical media, microfilm, microphotograph, motion picture film, scanned documents or digital images available electronically in a digital format, or any other document or material, regardless of physical form or characteristic, generated or received in connection with the transaction of official business.

For purposes of this policy, *Records* include but are not limited to the following documents/types of documents:

- Budget
- Code of Conduct Packets
- Contracts
- Federal Programs/Federal Grants
- Financial
- General Correspondence
- Lawsuits
- Logbooks
- Miscellaneous Office Files
- Personnel and Payroll
- Purchasing
- Property Records
- ORM/Loss Prevention
- Training
- Master Record - Youth
- Medical Record - Youth
- Youth Banking

Records shall be identified by each unit and are not limited to the above list.

**Records Management** - The systematic application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records for the purpose of reducing costs and improving efficiency of records keeping. "Records Management" includes management of filing and microfilming equipment and supplies; filing and information retrieval systems; files, correspondence, reports, and forms management; historical documentation; micrographics; retention programming; and vital records protection.

**Records Management Officer (RMO)** - The individual designated by the Deputy Secretary to act as liaison between the Office of the Secretary of State, Division of Archives and Youth Services on all matters related to records management.

**Records Retention Schedule (SSARC 932)** – A listing of YS records by series title specifying the time period for which they must be retained, to be signed by the Deputy Secretary and approved by the State Archivist of the Office of the Secretary of State/designee.

***Records Retention Schedule Form Guidelines*** - A description and explanation of the "Records Retention Schedule" form.

***Record Series*** - A group of related or similar records, regardless of medium, which may be filed together as a unit, are used in a similar manner, and typically are evaluated as a unit for determining retention periods.

***Retention And Disposal Schedule*** - A set of instructions prescribing the form, duration, location and conditions in which records series shall be kept.

***State Archivist*** – The State Archivist and Director of the Division of Archives, Records Management and History, appointed by the Secretary of State.

***Transitory Messages*** – Messages which include the following: unsolicited and junk e-mails not related to YS work, listserv and other e-mail broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e. cake in the conference room, staff meeting moved from 2:00 p.m. to 3:00 p.m.), and personal non-work related e-mails received by employees, which do not need to be retained.

***Unit Head*** - Deputy Secretary, Facility Directors and Regional Managers.

## **V. POLICY:**

It is the Deputy Secretary's policy to require that all units within YS comply with the Public Records Management Program as provided by law and this policy.

Access to and release of records or information contained in YS records, and the confidentiality of records or parts of records, shall be maintained and released in accordance with appropriate laws and YS policies.

YS Policy No. A.3.3 outlines requirements for the duplication of YS public records and the collection of fees.

## **VI. BACKGROUND:**

A. The laws listed below govern the Public Records Management Program and shall be followed to ensure the following requirements are met:

1. La. R.S. 44:411 provides for selective retention of records and actions for recovery of records. The law requires the designated RMO act as the liaison between YS and the State Archivist regarding:

- a. Schedules for retention;
- b. Transfer of records to State Archives; and
- c. Authorization for disposal and transfer of records to a successor by the YS Deputy Secretary, etc.

2. R.S. 44:412 requires that YS maintain an active records management program.
3. R.S. 44, Section 413 Public Records Law provides that all records of public agencies and quasi-public entities that perform governmental functions are subject to inspection.

(Pursuant to La. R.S. 44:413, the State Archivist has the authority to inspect or survey the records of any state or local agency, as well as to make surveys of records management and records disposal practices.)

4. Louisiana Constitution Article 12, Section 3 states "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law."
5. R.S. 44:36 requires that state agencies and their subdivisions submit the attached formal "Records Retention Schedules (SS ARC 932) to State Archives for approval. However, in instances in which a formal retention schedule has not been executed, the law requires that such public records be preserved and maintained for a period of at least three (3) years from the date on which the public record was made. When copies of an original record exist, only the original shall be kept.
6. Further, where an appropriate form of micro-photographic process has been utilized to record, file, and otherwise preserve such public records with microforms produced in compliance with the provisions of La.R.S. 44:415, the microforms shall be deemed originals.
7. La. R.S. 44:39 allows for microfilm and electronic digitized records to be used as evidence in lawsuits.

Therefore, it is the responsibility of each Unit Head to ensure compliance with these laws and the contents of this policy.

## **VII. RESPONSIBILITIES:**

- A. Deputy Secretary: The Deputy Secretary shall designate a RMO by July 1<sup>st</sup> of each fiscal year. The attached "Records Officer Designation Form" (SS ARC 940) shall be completed and submitted to the State Archivist to provide notification of the individual selected.
- B. Records Management Officer: The RMO is responsible for overseeing the Public Records Management Program for YS, including reviewing and updating the "Records Retention Schedule" at least every five (5) years and maintaining

YS schedules. This individual also acts as liaison between the Office of the Secretary of State, Division of Archives, Records Management Section and YS on all matters related to records management.

- C. **Public Records Custodian:** The Public Records Custodian is designated by the Unit Head to ensure the requirements of the Public Records Management Program are met.
- D. **Manager/Supervisor:** Managers and supervisors are responsible for ensuring that each employee under their supervision is knowledgeable of YS policy concerning the retention of records, and adheres to the YS "Records Retention Schedule" specific to their unit.
- E. **Employees:** YS employees are responsible for adhering to the YS "Records Retention Schedule" for all records maintained or utilized in the performance of their duties.

#### **VIII. PROCEDURES:**

- A. Unit Head's shall designate a staff member to serve as the unit's Public Records Custodian to coordinate the duties required by this policy and the laws outlined under Section VI of this policy. The designated staff members' names shall be forwarded to the designated RMO by July 1<sup>st</sup> each year, who shall maintain the list for YS.
- B. Each unit's Public Records Custodian shall ensure that all the requirements of the Public Records Management Program are met.
- C. The Deputy Secretary/designee shall transfer all records of YS to any future appointed successor, and notify the State Archivist in accordance with La. R.S. 44:411, unless otherwise directed by law.

#### **IX. YOUTH RECORD STORAGE AND ARCHIVING**

- A. After release from a secure facility the Unit Head is responsible for transporting the youth's hard copy record, including education, social service and medical file, to the YS contracted archive facility listed on the Attachment (a) "Archiving Youth Records/Files".
- B. After a regional office closure of a case, the youth's record shall be retained at the office for a period of three (3) years, after which the record shall be transported by regional office staff to the YS contracted archive facility for storage in accordance with instructions contained on Attachment (a) "Archiving Youth Records/Files".

- C. Youth files are maintained at the archive facility in accordance with the attached retention schedules but remain available for Agency request if needed. Requests for archived records are processed by the Legal Section.

**X. RECORDS RETENTION:**

- A. Records shall be preserved for the period of time specified for each category of record as contained in the formal "Records Retention Schedule" [see Attachment] developed by YS, and approved by the Division of Archives.
- B. Records relevant to litigation shall not be destroyed while the litigation is pending. When it is necessary to maintain records due to pending litigation, and the records are stored at the Division of Archives, notice of such retention shall be provided to the Division of Archives when requesting destruction of other records in the same record series.
- C. Records shall not be destroyed pending a state or federal audit.
- D. All conditions shall be met for preserving records and duplicating copies as required in La. R.S. 44:36. Storage of files shall be left to the discretion of the Deputy Secretary/designee. When choosing a location for storage, the Deputy Secretary/designee shall consider economy, efficiency and accessibility of the record.
- E. Unit Public Records Custodians shall keep a file of the records that are sent to the Division of Archives for storage. The file shall be kept for the same duration of time as the actual records as contained in the attached "Records Retention Schedule". In addition, the Public Records Custodian shall keep a copy of the "Record Transmittal and Receipt Form" (SSARC 103), which is submitted to the Division of Archives, and forwards a copy of the documentation to the designated RMO.
- F. If records are to be stored by the Division of Archives, the attached "Records Storage Box - Packing Instructions" are to be used to ensure that records are packed properly in standard storage boxes prior to submittal in accordance with Louisiana State Archive requirements.

**XI. RETENTION OF ELECTRONIC MAIL:**

- A. The primary purpose of electronic mail is to send and receive messages which assist employees in fulfilling their job duties and responsibilities. An e-mail message within the YS e-mail system is a public record and the property of YS.
- B. According to the Louisiana State Archives Electronic Mail (E-mail) Retention Policy, "Electronic mail (e-mail) is not a record series for retention scheduling purposes. Rather, the retention of e-mail must be based on content, not on

- media type, artificial duration (i.e. 90 days), or on storage limitations. An e-mail should be retained for the same duration as other records of similar content included in a given record series on the approved retention schedule. If an existing record series cannot be identified, a record series should be developed and included on the approved retention schedule.”
- C. There is no retention requirement for transitory messages. Employees receiving such communications may delete them immediately without obtaining approval from the state archives.
- D. Because Information Technology (IT) possesses a finite amount of server space for e-mail storage, the employee who is considered the custodian of an e-mail is responsible for maintaining e-mails and may use one of the following methods:
1. Utilize an electronic archiving system;
  2. Save the e-mail and attachments to their individual hard drives;
  3. Save the e-mail and attachments to a Flash Drive. The Flash Drive must be encrypted for security purposes and cannot be removed from the employee’s office; or
  4. Print out and store hard copies of the e-mail.
- E. It is each employee's responsibility to retain e-mail messages for the approved retention period based on its content. Names of the sender, recipient, date/time of the message, as well as any attachments must be retained with the message. It is also the employee's responsibility to delete the message once the retention period has expired.
- F. It is advisable to save the one e-mail that contains an entire string of messages rather than each individual e-mail pertaining to the same subject. It is acceptable for employees to retain e-mails that they have been copied on even though they are not the custodian of the e-mails.
- G. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

## **XII. DIVISION OF ARCHIVES RECORD CENTER:**

The Division of Archives, Records Management and History maintains a Records Center to store records still required to be retained, but which the Agency does not need to maintain on site for the entire retention period. The Records Center may be contacted by phone at (225) 922-1224 to request storage of records. Refer to Part IV of the Louisiana State Archives Records Management Handbook for detailed procedures for storing records at the Records Center @ [www.sos.la.gov/.../rm-handbook.pdf](http://www.sos.la.gov/.../rm-handbook.pdf)



**XIII. DISPOSAL OF RECORDS:**

- A. Records considered to be public and youth records MAY be destroyed after meeting the following requirements:
  - 1. After they have met their legal minimum retention periods;
  - 2. Are no longer needed for any purpose; and
  - 3. Have been listed and authorized for destruction on the "Request for Authority to Dispose of Records Form" (see attached sample of SSARC 930) provided by the Division of Archives, Records Management and History.
- B. A representative of the Records Management Section (RMS) and the Acquisitions Archivist must both sign any request for the disposal of records.
- C. Procedure for Requesting Disposal of YS Records
  - 1. The unit's Public Records Custodian prepares a SSARC 930, signs, dates, and submits the completed form to the YS RMO.
  - 2. The YS RMO submits the form to the RMS of the Division of Archives, Records Management and History.
  - 3. The RMS examines the form to determine if all items listed are accounted for on the unit's "Records Retention Schedule", then reviews each record series listed to determine if those records have met their retention requirements.
  - 4. The RMS notifies the YS RMO if any record series are not eligible for disposition. The unit is then notified by the YS RMO of the records series determined ineligible for disposition.
  - 5. The RMS routes the SSARC 930 to the Acquisitions Archivist to determine if any records possess historical value. If such records are identified, it is recommended to the YS RMO that these records be transferred to the custody of the Division of Archives, Records Management and History.
  - 6. The SSARC 930 must be signed by both the RMS and the Acquisitions Archivist, and is either mailed or faxed to the YS RMO when disposition approval is granted.
  - 7. The YS RMO notifies the submitting unit of the records disposal approval.

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8. Unit heads shall review records annually for possible destruction and request records be destroyed when no longer needed and upon expiration of the retention period required by the applicable retention schedule.

- D. The RMS shall indicate on the SSARC 930 whether a special method of destruction is needed for certain records. Confidential records, for example, are required to be incinerated or shredded to protect sensitive information.

The Division of Archives, Records Management and History will destroy confidential records stored in the Records Center at no charge.

A minimal per-pound fee is charged for all other records to be shredded. Prior to submitting a request to the Records Center for shredding service, each unit shall forward same to the YS RMO. The request shall then be sent to the Undersecretary/designee for review/approval.

Unit Staff shall indicate on their "Records Retention Schedule" which records series contain confidential information.

**Previous Regulation/Policy Number:** A.1.9

**Previous Effective Date:** 09/20/2013

#### Attachments/References:

Records and Files 1214.docx



SSARC-103 Sample.pdf  
940 Sample.pdf



Retention Schedule December 2014.pdf

SSARC-930 Sample.pdf



SSARC-



A.1.9 (a) Archiving Youth

Records Storage Packing Instructions.pdf

